O/ Registation/53

1953. P3E

File No. 25/53

Legal Department

G **BRANCH**

K

Subject:—

Opinions Regarding

Registation of documents & deeds.

O/ Registation/53

File No.

Gen. 191 e.

25/53

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Legal Department File No.....

Sr.No.	R.I./O.No.	Subject.	Pages.
		Opinions under the Indian Registration Act, 1908. Sec. 90 and 17(2)(vii)	
1.)	O.No.G-811/31-12-53.	Re: Loan given by Govt. to certain party for construction of a godown. Execution of a mortgage deed in favour of Govt. Whether such a mortgage deed between Govt. and a private party is required to be registered under the Act.	1-4.

AM/ 13/8

MM/ 13/8

L.D.R.I.No. G-1461, dt.24-12-53.

Submitted with reference to the C.S.D. note dated 18-12-53.

2. It appears that Shri Sutaria has been given a loan of Rs. 1000/- by Government for constructing a godown and in consideration thereof Shri Sutaria has executed a mortgage deed in favour of Government. As the mortgage deed is between Government and Shri Sutaria the R.L.A. is requested to advise whether it should be registered.

3. Sections 90 and 17(2)(vii) of the Indian Registration Act contain an implication that the Government is bound by the Act, (Secretary of State Vs. Mohomed Yusuf (1919) 21 Bomb L.R. 1130, 1136, 54 I.C. 134). Section 90 specifies the documents that have been exempted from registration. A mortgage deed executed between Government and private party not being one of such documents is not exempted from registration and is required to be registered. The mortgage deed in this case should therefore be registered.

G.N.
26/12

A's (G) As in para 3.

RLA. Sd/-
29/12

MM

7/8-

Office of the R.L.A.

Section 90 and 17(2)(vii) of the Indian Registration Act, 1908 contain an implication that the Government is bound by the Act. (Secretary of State Vs. Mohomed Yusuf (1919) 21 Bom. L.R. 1130, 1136, 54 I.C. 134). Section 90 specifies the documents that have been exempted from registration. A mortgage deed executed between Government and private party not being not of such documents is is not exempted from registration and is required to be registered. The mortgage deed in this case should therefore be registered.

Sd/- P.M.Lad

30/12

O.C.

Remembrancer of Legal Affairs.

U.R.to C.S.D. No. G-811, dated the 31st December 1953.

MM

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